

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC ALEXIS, JOAN ALEXIS, and ERICA ALEXIS,	:	CIVIL ACTION NO. 1:18-CV-1744
	:	
	:	(Chief Judge Conner)
Plaintiffs	:	
	:	
v.	:	
	:	
FRANK MONTARO and LACKAWANNA COUNTY,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 5th day of September, 2018, upon consideration of the complaint (Doc. 1) filed by *pro se* plaintiffs Eric Alexis, Joan Alexis, and Erica Alexis (“plaintiffs”) on September 4, 2018, seeking an “emergency order to vacate order of possession or stay eviction and possession,” and it appearing that plaintiffs’ complaint—although labeled as a Fourteenth Amendment Due Process challenge—essentially attacks the propriety of a state tax sale of real property located at 213 Main Street, Blakely, Pennsylvania, (*id.* at 1-3), and the court noting that the exact relief plaintiffs currently seek was denied yesterday by the Court of Common Pleas of Lackawanna County, (*see generally* Docs. 1-1, 1-2), and the court observing that we do not have jurisdiction to “enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State,” 28 U.S.C. § 1341, and the court further observing that Pennsylvania provides such a remedy for Section 1983 plaintiffs challenging state taxation policies and procedures, *Gass v. County of Allegheny*, 371

F.3d 134, 138, 141 (3d Cir. 2004), and it appearing that plaintiffs in fact availed themselves of Pennsylvania's judicial remedial process, see Alexis v. Koldjeski, No. 1729 C.D. 2015, 2016 WL 4434944 (Pa. Commw. Ct. Aug. 22, 2016) (nonprecedential), it is hereby ORDERED that:

1. Plaintiffs' complaint (Doc. 1) is DISMISSED for lack of subject matter jurisdiction.
2. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania